

# **ZONING ADJUSTMENT**

## **WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION INSTRUCTIONS FOR FILING AN APPLICATION**

1. The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve applications for Zoning Adjustments. Zoning Adjustments shall be limited to the following:
  - a. Reducing minimum front, side, and rear setbacks (required by the property development standards of the zoning district) by up to 20 percent, except that a rear setback adjacent to a golf course, open space or reserve or in which the area of the required yard to be adjusted does not exceed 300 square feet may be reduced by up to 50 percent.
  - b. Reducing minimum interior side setback for a principal structure to three feet when all parts of principal structure that are extending into the interior side yard setback are located more than one-half the depth of the lot behind the front property line, and when the addition does not obstruct or eliminate the required off-street parking. Extended portions of the principal structure shall not be more than 60 percent of the maximum height allowed by the property development standards of the district.
  - c. Reducing minimum rear setback for a principal structure to five feet when all parts of the principal structure that are extending into the rear yard setback are located more than one-half the depth of the lot behind the front property line, and when the addition does not obstruct or eliminate the required off-street parking. Extended portions of the principal structure shall not occupy more than one-half of any required rear yard nor be more than 60 percent of the maximum height allowed by the property development standards of the district.
  - d. Reducing or waiving the required compatibility setback.
  - e. Reducing or waiving the required compatibility height standard.
  - f. Increasing maximum height permitted by the property development standards of the zoning district by up to 20 percent.
  - g. Increasing maximum height for energy generating structures provided the energy generating structure would not be closer to an adjacent property line than twice the height of the structure, nor be located within 200 feet of any existing residential structure on an adjacent property, and would not exceed a height of 100 feet to the tip of the motor blades.
  - h. Increasing maximum lot coverage by up to ten percent.
  - i. Reducing lot size, lot width, loading area and parking requirements by up to ten percent, except that parking requirements for manufacturing, warehousing, wholesale or business services, large item community retail, all remodeling/expansion projects, and all redevelopment of existing sites with new construction may be reduced by up to 25 percent.

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- j. Increasing the maximum projection of structural elements into front, rear or side setbacks by up to 20 percent, provided there is no reduction in the corresponding setback requirement.
  - k. Changing the location of required screening in relation to alleys.
  - l. Permitting parking in residential districts to be located within a required front yard or street side yard, but in no case closer to a front or street side property line than eight feet.
  - m. Reducing or waiving the required screening specified in Sec. IV-B.3.a of this Code when the building is located adjacent to a golf course, public or private park, or open space reserve area of a homeowners' association and the building is architecturally designed to utilize the views of the adjacent property; or when existing topography or vegetation provide a natural screen; or when the adjacent residential property is developed with an institutional, major utility, or multi-family use and the location of improvements on one or both properties provides adequate screening.
  - n. Permitting an accessory structure to be placed in front of the principle structure on less than five acres of land as specified in Sec. III-D.7.e(2).
- 2. An application for approval of a zoning adjustment must be signed by all property owners or by the authorized agent(s) of such owner(s).
  - 3. The Planning Director shall not approve a Zoning Adjustment if the Planning Director finds that the proposed development:
    - a. would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
    - b. creates more adverse impacts on existing uses in surrounding areas than which reasonably might result from development of the site in strict compliance with the adjusted standard;
    - c. would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted building height, setbacks and open spaces, bulk and scale, landscaping, parking or circulation features;
    - d. will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Planning Director.

The applicant shall submit written justification that the proposal meets the applicable criteria.

- 4. The applicant shall submit two copies of an accurate site plan, drawn to scale, showing the location of property lines and buildings, parking areas, driveways and other improvements or facilities which necessitate the adjustment. Other plans, drawings or information which the Planning Director deems necessary to enable proper consideration of the request may be required.

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5. The applicant must complete the Application form and submit the required filing fee as follows:

Zoning Adjustment	\$140
Additional Zoning Adjustment on same lot	\$ 50

6. All checks should be payable to the "City of Wichita", which acts as agent for the Metropolitan Area Planning Department. All documents and the fee shall be submitted to the Board of Zoning Appeal, % Metropolitan Area Planning Department, City Hall-10<sup>th</sup> Fl., 455 N. Main Street, Wichita, KS 67202-1688.
7. In accordance with local policy, the applicant shall post one or more zoning adjustment signs on the application site for a period of ten days prior to final action being taken on the adjustment request. Signs shall be purchased from the Planning Department when the application is filed. The fee for each sign is \$3.
8. The applicant may appeal a decision to deny the application, or to impose certain conditions, to the Board of Zoning Appeals by filing an application for a Variance. The filing fee for the Zoning Adjustment shall be applied toward the filing fee for the Variance.

# APPLICATION

This form **MUST** be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 N. Main St., Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. **AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.** Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

## SECTION I

This property is located within:                      Wichita                      Sedgwick County (unincorporated)

Metropolitan Area Planning Commission:

Zone Change: From zoning district:                      to

Planned Unit Development:      Approval                      Amendment to PUD                      Adjustment to PUD

Community Unit Plan:      Approval                      Amendment to CUP                      Adjustment to CUP

Protective Overlay:      Approval                      Amendment to PO                      Adjustment to PO

Conditional Use: To allow:                      zone district:  
Adjustment to approved site plan. CU No.

Vacation of:                      zone district:  
(Use a separate sheet for legal description, if necessary.)

Administrative Permit: To allow:                      zone district:

Board of Zoning Appeals:

Variance: To allow:                      zone district:

Appeal of:                      zone district:

Zoning Adjustment: To allow:                      zone district:

## SECTION II

1. The application area is legally described as Lot(s)                      ; Block(s)                      ,  
Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds  
description may be attached.

2. The application area contains                      acres.

3. This property is located at (address)                      which is generally located  
at (relation to nearest streets)

4. We file this request for the following reasons:

5. County control number:

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A.	APPLICANT ADDRESS	PHONE ZIP CODE
	AGENT ADDRESS	PHONE ZIP CODE
B.	APPLICANT ADDRESS	PHONE ZIP CODE
	AGENT ADDRESS	PHONE ZIP CODE
C.	APPLICANT ADDRESS	PHONE ZIP CODE
	AGENT ADDRESS	PHONE ZIP CODE

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____ Applicant's Signature	By	_____ Authorized Agent (If Any)
_____ Applicant's Signature	By	_____ Authorized Agent (If Any)
_____ Applicant's Signature	By	_____ Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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FOR OFFICE USE ONLY

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
NA/HOA \_\_\_\_\_  
Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

Required Documents:

☐ Ownership List    ☐ BZA Justification    ☐ Legal Description    ☐ Vacation Petition    ☐ Site Plan    ☐ Signs